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EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT PAPER NUMBER

3626

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/391,335

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Alexander Kalinowski

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 01 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 150-304 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 150-304 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 150-320 are presented for examination. Of originally filed claims 1-20, Applicant filed an amendment on 8/8/2002 canceling claims 1-20 and filing new claims 21-94. Applicant further filed a supplemental amendment on 8/23/2002, adding new claims 95-149. Applicant further filed a supplemental amendment on 11/4/2002 amending claim 111. Applicant further filed a supplemental amendment on 11/19/2002, canceling claims 21-149 and adding new claims 150-304. The Examiner conducted a new search for prior art necessitated by Applicant's amendment. New grounds of rejection of claims 150-304 based on newly found prior art are established in the instant office action as set forth in detail below. The instant office action is a final rejection of claims 150-304.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 150-320 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3626

Claims 150-152, 154-159, 161, 162, 164-168, 170, 171, 174-192, 194, 197-205, 207-229, 231-236, 238-244, 246-248, 250-252, 271-280, 282-289, and 291-304 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warady et al., Pat. No. 6,067,522 (hereinafter Warady) in view of Asinof, Lynn, "Click & Shift: Workers Control Their Benefits On-line"(hereinafter Asinof).

As to claim 150, Warady discloses an apparatus for providing employee benefits information (see abstract), comprising:

a receiver for receiving at least one of a request for employee benefits information, a submission of a claim for an employee benefit, and a request for a status of a claim for an employee benefit (i.e. health and welfare benefits enrollment and billing system unit 1, modem)(col. 8, lines 27-47 and col. 10, lines 42-48);

a database for storing employee benefits information, wherein the employee benefits information includes at least one of healthcare insurance information, disability insurance information, and life insurance information (i.e. computerized database management system)(col. 4, lines 24-31);

a processing device, wherein the processing device processes the request for employee benefits information utilizing the employee benefits information stored in the database (i.e. employee enrollment and confirmation of each employee's enrollment

Art Unit: 3626

status)(col. 10, lines 55-63), wherein the processing device is capable of processing a request for employee benefits information regarding at least one of healthcare insurance information, disability insurance information, and life insurance information (col. 10, lines 55-63), and wherein the processing device generates a message containing a response to the request for employee benefits information(i.e. communication between the user and the data entry and user interface module ... by modem ... confirmation may be generated to employee, employer, and respective plan providers ... modem)(col. 8, lines 27-47 and col. 10, lines 55-67) and

a transmitter for transmitting the message to a communication device associated with at least one of an employee, a benefits beneficiary, an employer, and a benefits administrator (i.e. communication between the user and the data entry and user interface module ... by modem ... confirmation may be generated to employee, employer, and respective plan providers ... modem)(col. 8, lines 27-47 and col. 10, lines 55-67).

Warady does not explicitly disclose storing at least one of pension benefits information and retirement benefits information and further wherein the processing device is capable of processing a request for employee benefits information regarding at least one of pension benefits information and retirement benefits information. wherein the processing device is capable of processing information regarding at least one of the submission of a claim for an employee benefit and the request for a status of a claim for an employee benefit.

Art Unit: 3626

However, Asinof discloses storing at least one of pension benefits information and retirement benefits information and further wherein the processing device is capable of processing a request for employee benefits information regarding at least one of pension benefits information and retirement benefits information (i.e. once connected, they can get real-time information on company savings or 401(K) plans ...)(page 2, paragraph 6).

Furthermore, Asinof discloses wherein the processing device is capable of processing information regarding at least one of the submission of a claim for an employee benefit and the request for a status of a claim for an employee benefit (i.e. and you'd really like to know what happened to that claim from six weeks ago for your child's visit to the emergency room)(page 1, first paragraph). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include storing at least one of pension benefits information and retirement benefits information and further wherein the processing device is capable of processing a request for employee benefits information regarding at least one of pension benefits information and retirement benefits information and wherein the processing device is capable of processing information regarding at least one of the submission of a claim for an employee benefit and the request for a status of a claim for an employee benefit as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 151, Warady discloses the apparatus of Claim 150,

Art Unit: 3626

wherein the employee benefits information is associated with an employment relationship (i.e. employers ... employees)(col. 4, lines 40-46).

As to claim 152, Warady discloses the apparatus of Claim 150, wherein the employee benefits information is associated with an independent contractor relationship(i.e. employers ... employees)(col. 4, lines 40-46).

As to claim 154, Warady discloses the apparatus of Claim 150, wherein the message contains at least one of healthcare insurance information, disability insurance information, life insurance information, pension benefits information, and retirement benefits information (col. 9, line 59 – col. 10, line 8).

As to claim 155, Warady discloses the apparatus of Claim 150, wherein the healthcare insurance information includes information regarding at least one of a healthcare provider, a medical insurance provider, a dental insurance provider, a health maintenance organization, a major medical provider, health maintenance organization information, medical insurance information, major medical insurance information, dental insurance information, mental health insurance information, prescription eye care insurance information, an available healthcare insurance benefit, instructions for obtaining or claiming a healthcare insurance benefit, a health-care participant, a healthcare insurance plan coverage, a healthcare insurance benefit co-payment or

Art Unit: 3626

deductible, healthcare insurance benefits claim information, and a status of a healthcare insurance benefits claim (i.e. plan providers of such benefits)(col. 4, lines 47-52).

As to claim 156, Warady discloses the apparatus of Claim 150, wherein the disability insurance information includes information regarding at least one of a disability insurance provider, a short-term disability insurance provider, a long-term disability insurance provider, an available disability insurance benefit, instructions for obtaining or claiming a disability insurance benefit, a disability insurance plan coverage, a disability insurance co-payment or deductible, disability insurance claim information, and a status of a disability insurance claim (col. 5, lines 35-42).

As to claim 157, Warady discloses the apparatus of Claim 150, wherein the life insurance information includes information regarding at least one of a life insurance provider, an available life insurance benefit, instructions for obtaining or claiming a life insurance benefit, a life insurance plan coverage, a life insurance co-payment or deductible, life insurance claim information, and a status of a life insurance claim (col. 5, lines 35-42).

As to claim 158, Warady does not explicitly disclose The apparatus of Claim 150, wherein the message contains information regarding at least one of a credit union, a bank, an available credit union or banking service, instructions for obtaining or claiming



Art Unit: 3626

a credit union or banking benefit, an employee savings account, loan information, mortgage information, a savings interest rate, a loan rate, and a mortgage rate.

However, Asinof discloses the message contains information regarding at least one of a credit union, a bank, an available credit union or banking service, instructions for obtaining or claiming a credit union or banking benefit, an employee savings account, loan information, mortgage information, a savings interest rate, a loan rate, and a mortgage rate (i.e. need to arrange a loan from your 401(k))(see abstract). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the message contains information regarding at least one of a credit union, a bank, an available credit union or banking service, instructions for obtaining or claiming a credit union or banking benefit, an employee savings account, loan information, mortgage information, a savings interest rate, a loan rate, and a mortgage rate as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 159, Warady does not explicitly disclose the apparatus of Claim 150, wherein the at least one of pension benefits information and retirement benefits information includes information regarding at least one of a pension benefits provider, information concerning a pension benefit service provided, instructions for obtaining a pension benefit,

Art Unit: 3626

information regarding an employee pension account, pension benefits loan information, information regarding at least one of a pension benefit available, a vested pension benefit, and an unvested pension benefit, an availability of a pension benefit, a status of a pending pension benefits claim, a retirement benefits provider, an employee's retirement benefit, a retirement savings account, retirement benefits loan information, a stock account, a mutual fund account, a stock option account, a retirement benefits at least one of savings interest rate, loan interest rate, and mortgage interest rate, instructions for claiming a retirement benefit, information regarding a retirement investment vehicle, instructions for making an account deposit or a withdrawal, a deposit or withdrawal procedure, a retirement account balance, a retirement account vested amount, a retirement account unvested amount, and at least one of financial advise, planning information, and forecasting information, regarding at least one of a pension benefits account and a retirement benefits account.

However, Asinof discloses providing information on a pension benefits service provided (i.e. information on 401(k) plans ... shift funds)(page 2, paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the

at least one of pension benefits information and retirement benefits information includes information regarding at least one of a pension benefits provider, information concerning a pension benefit service provided, instructions for obtaining a pension benefit, information regarding an employee pension account, pension benefits loan information, information regarding at least one of a pension benefit available, a vested pension

Art Unit: 3626

benefit, and an unvested pension benefit, an availability of a pension benefit, a status of a pending pension benefits claim, a retirement benefits provider, an employee's retirement benefit, a retirement savings account, retirement benefits loan information, a stock account, a mutual fund account, a stock option account, a retirement benefits at least one of savings interest rate, loan interest rate, and mortgage interest rate, instructions for claiming a retirement benefit, information regarding a retirement investment vehicle, instructions for making an account deposit or a withdrawal, a deposit or withdrawal procedure, a retirement account balance, a retirement account vested amount, a retirement account unvested amount, and at least one of financial advise, planning information, and forecasting information, regarding at least one of a pension benefits account and a retirement benefits account as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 161, Warady discloses The apparatus of Claim 150, wherein the communication device is at least one of a personal computer, a desktop computer, a laptop computer, a personal digital assistant, a telephone, a handheld computer, a palmtop computer, and a personal communication device (i.e. multiple terminal and input and output devices)(col. 13, lines 47-53).

Art Unit: 3626

As to claim 162, Warady does not explicitly disclose the apparatus of Claim 150, wherein the communication device is at least one of a television and an interactive television.

However, Asinof discloses wherein the communication device is at least one of a television and an interactive television (i.e. some combination of telephone, television and computer ...)(page 3). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the communication device is at least one of a television and an interactive television as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 164, Warady does not explicitly disclose the apparatus of Claim 150, wherein the apparatus is utilized on or over at least one of the Internet and the World Wide Web.

However, Asinof discloses wherein the apparatus is utilized on or over at least one of the Internet and the World Wide Web (page 2, paragraph 5). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the apparatus is utilized on or over at least one of the Internet and the World Wide Web as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own

timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 165, Warady discloses the apparatus of Claim 150, wherein the apparatus is utilized on or over at least one of a telecommunication network, a satellite communication network, a radio communication network, a digital communication network, a digital satellite communication network, a personal communications services network, a cable television network, a broadband communication network, and a low earth orbiting satellite (LEOs) network (i.e. modem)(col. 8, lines 31-36).

As to claim 166. Warady does not explicitly disclose the apparatus of Claim 150, wherein the apparatus is utilized on or over an intranet.

However, Asinof discloses the apparatus is utilized on or over an intranet (page 3, paragraph 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus is utilized on or over an intranet as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 167, Warady discloses the apparatus of Claim 150, wherein the apparatus is at least one of a network computer, a server computer, and an Internet server computer (col. 13, lines 47-54).

As to claim 168, Warady does not explicitly disclose The apparatus of Claim 150, wherein the apparatus provides at least one of information regarding an employment status, information regarding benefits provided to an employee, information regarding benefits, instructions for obtaining or claiming a benefit, information for making a benefit election, information for making a change to a benefit, information for changing an investment in at least one of a savings account, a pension account, and a retirement account, and information for applying for an additional benefit.

However, Asinof discloses information for changing an investment in at least a pension account (i.e. 401(k) plans ... shift funds)(page 2, paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the apparatus provides at least one of information regarding an employment status, information regarding benefits provided to an employee, information regarding benefits, instructions for obtaining or claiming a benefit, information for making a benefit election, information for making a change to a benefit, information for changing an investment in at least one of a savings account, a pension account, and a retirement account, and information for applying for an additional benefit as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4)

Art Unit: 3626

and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 170, Warady does not explicitly disclose the apparatus of Claim 150, wherein the employee benefits information is updated in real-time.

However, Asinof discloses employee benefits information is updated in real-time (i.e. real time information on company savings or 401(k) plans)(page 2, paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the employee benefits information is updated in real-time as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 171, Warady discloses the apparatus of Claim 150, wherein the message contains information regarding at least one of an employee's name, an address, a social security number, a date of birth, a date of hire, a job title, a length of service, a salary, withholding taxes, employee wage information, payroll information, salary information, at least one of payroll withholdings and deductions information, tax exemption status information, company stock account information, stock option account information, equity interest account information, a number of dependents, federal withholding taxes, state withholding taxes, local withholding taxes, social security taxes,

Art Unit: 3626

disability taxes, disability withholding taxes, retirement deductions, pension deductions, IRA deductions, 401K deductions, SEP deductions, savings deductions, savings bond deductions, stock purchase plan deductions, employer held savings accounts, credit union deductions, an employee savings plan or program, a 401K retirement plan or program, a self-employed retirement plan or program, an employee credit union at least one of account, plan, and program, an employee savings plan or program, an employee loan plan or program, an employee discount plan or program, and a buying service plan or program (i.e. name, address, salary)(see Fig. 8)

As to claim 174, Warady does not explicitly disclose the apparatus of Claim 150, wherein the apparatus provides information regarding at least one of a company announcement, a company calendar or schedule, a personnel directory, and an in-house job posting.

However, Asinof discloses the apparatus provides information regarding at least one of a company announcement, a company calendar or schedule, a personnel directory, and an in-house job posting (i.e. company savings or 401(k) plans)(page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include discloses the apparatus provides information regarding at least one of a company announcement, a company calendar or schedule, a personnel directory, and an in-house job posting as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own



Art Unit: 3626

timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 175, Warady discloses the apparatus of Claim 150, wherein the message contains information regarding at least one of a healthcare provider, a medical insurance provider, a dental insurance provider, a health maintenance organization, a major medical provider, health maintenance organization information, medical insurance information, major medical insurance information, dental insurance information, mental health insurance information, prescription eye care insurance information, an available healthcare insurance benefit, instructions for obtaining or claiming a healthcare insurance benefit, a health-care participant, a healthcare insurance plan coverage, a healthcare insurance benefit co-payment or deductible, healthcare insurance benefits claim information, and a status of a healthcare insurance benefits claim (col. 5, lines 14-64).

As to claim 176, Warady does not explicitly disclose the apparatus of Claim 150, wherein the processing device processes information regarding at least one of a selection of a primary care provider, a request for a referral authorization for a specialist, a healthcare insurance claim submission, and a status of a pending healthcare insurance claim.

However, Asinof discloses the apparatus of Claim 150, wherein the processing device processes information regarding at least one of a selection of a primary care provider, a request for a referral authorization for a specialist, a healthcare insurance claim

Art Unit: 3626

submission, and a status of a pending healthcare insurance claim (i.e. and you'd really like to know what happened to that claim from six weeks ago for your child's visit to the emergency room)(page 1, first paragraph). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the processing device processes information regarding at least one of a selection of a primary care provider, a request for a referral authorization for a specialist, a healthcare insurance claim submission, and a status of a pending healthcare insurance claim as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 177, Warady discloses the apparatus of Claim 150, wherein the processing device processes information regarding at least one of a purchase of a healthcare insurance benefit and a change in a healthcare insurance coverage (i.e. changing his or her existing selections)(col. 10, lines 9-22).

As to claim 178, Warady discloses the apparatus of Claim 177, wherein the apparatus provides information to an employer regarding a transaction between an employee and a healthcare benefits provider (i.e. health and welfare benefits enrollment and billing system generates a final confirmation of employee's benefit plans and coverage option selections .... Provided to ... employer)(col. 11, lines 32-41).

As to claim 179, Warady discloses The apparatus of Claim 150, wherein the message contains information regarding at least one of a short-term disability benefit, a long-term disability benefit, a disability benefit provided, instructions or information for obtaining or claiming a disability benefit, information regarding filing a disability insurance claim, an applicable deductible or co-payment under a plan, a referral authorization for a specialist, a disability insurance claim submission, and a status of a pending disability insurance claim.

As to claim 180, Warady discloses The apparatus of Claim 150, wherein the processing device processes information regarding at least one of a purchase of a disability insurance benefit and a change in a disability insurance coverage (see Fig. 8).

As to claim 181, Warady discloses The apparatus of Claim 180, wherein the apparatus provides information to an employer regarding a transaction between an employee and a disability benefits provider (i.e. health and welfare benefits enrollment and billing system generates a final confirmation of employee's benefit plans and coverage option selections .... Provided to ... employer)(col. 11, lines 32-41).

As to claim 182, Warady discloses the apparatus of Claim 150, wherein the

Art Unit: 3626

message contains information regarding at least one of a life insurance benefit, a listing of life insurance benefits available to an employee, term life insurance, whole life insurance, an explanation of a life insurance benefit provided under a benefits plan or package, a life insurance coverage, filing a life insurance claim, an applicable deductible or co-payment under a plan, a submission of a life insurance claim, and a status of a pending life insurance claim (col. 5, lines 14-54).

As to claim 183, Warady discloses The apparatus of Claim 150, wherein the processing device processes information regarding at least one of a purchase of a life insurance benefit and a change in a life insurance coverage (see Fig. 8).

As to claim 184, Warady discloses the apparatus of Claim 183, wherein the apparatus provides information to an employer regarding a transaction between an employee and a life insurance benefits provider (i.e. health and welfare benefits enrollment and billing system generates a final confirmation of employee's benefit plans and coverage option selections .... Provided to ... employer)(col. 11, lines 32-41).

As to claim 185, Warady does not explicitly disclose The apparatus of Claim 150, wherein the apparatus is utilized to at least one of access a credit union account balance or a bank account balance, authorize or terminate a payroll deduction, order checks, make a payment, stop a payment, apply for a loan or a mortgage, and purchase a certificate of deposit or a bond, via the communication device.

Art Unit: 3626

However, Asinof discloses utilizing the apparatus to apply for a loan (i.e. arrange a loan from your 401(k))(see abstract). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include, wherein the apparatus is utilized to at least one of access a credit union account balance or a bank account balance, authorize or terminate a payroll deduction, order checks, make a payment, stop a payment, apply for a loan or a mortgage, and purchase a certificate of deposit or a bond, via the communication device as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 186, Warady does not explicitly disclose The apparatus of Claim 150, wherein the

apparatus is utilized to at least one of provide financial advice, provide information regarding a benefit offered by a credit union or a banking service provider, provide information regarding a special rate loan offered to employees, apply for a mortgage, purchase at least one of a stock, a bond, a mutual fund, and a savings bond, provide a forecast for a savings account, provide information regarding a company stock purchase made through a company-sponsored plan, and provide information regarding a savings bond purchasing plan.

Art Unit: 3626

However, Asinof discloses utilizing the apparatus to provide financial advice (i.e. asset allocation models)(page 2, paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus is utilized to at least one of provide financial advice, provide information regarding a benefit offered by a credit union or a banking service provider, provide information regarding a special rate loan offered to employees, apply for a mortgage, purchase at least one of a stock, a bond, a mutual fund, and a savings bond, provide a forecast for a savings account, provide information regarding a company stock purchase made through a company-sponsored plan, and provide information regarding a savings bond purchasing plan as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 187, Warady does not explicitly disclose The apparatus of Claim 150, wherein the message contains pension benefits information, wherein the pension benefits information includes at least one of a description of a pension benefit, information regarding at least one of a vested and an unvested interest, information regarding a total account value or balance, information regarding at least one of a list and a date of an employer contribution, information regarding at least one of a list and a date of an employee contribution, funds availability information, information regarding an investment vehicle, and information regarding an investment option.

Art Unit: 3626

However, Asinof discloses wherein the message contains pension benefits information, wherein the pension benefits information includes at least one of a description of a pension benefit, information regarding at least one of a vested and an unvested interest, information regarding a total account value or balance, information regarding at least one of a list and a date of an employer contribution, information regarding at least one of a list and a date of an employee contribution, funds availability information, information regarding an investment vehicle, and information regarding an investment option (i.e. real time information on a company savings or 401(k) plan)(page 2, paragraph 6). ). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the message contains pension benefits information, wherein the pension benefits information includes at least one of a description of a pension benefit, information regarding at least one of a vested and an unvested interest, information regarding a total account value or balance, information regarding at least one of a list and a date of an employer contribution, information regarding at least one of a list and a date of an employee contribution, funds availability information, information regarding an investment vehicle, and information regarding an investment option as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 188, Warady does not explicitly disclose The apparatus of Claim 150, wherein the apparatus is utilized to at least one of allocate pension funds among

investment vehicles or options, change an employee pension plan contribution on-line, file a pension benefits claim, and determine a status of a pending pension benefits claim.

However, Asinof discloses wherein the apparatus is utilized to at least one of allocate pension funds among investment vehicles or options, change an employee pension plan contribution on-line, file a pension benefits claim, and determine a status of a pending pension benefits claim (i.e. change the mix of investments)(see abstract). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the apparatus is utilized to at least one of allocate pension funds among investment vehicles or options, change an employee pension plan contribution on-line, file a pension benefits claim, and determine a status of a pending pension benefits claim as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 189, Warady does not explicitly disclose The apparatus of Claim 150, wherein at least one of the employee benefits information includes and the message contains information regarding at least one of financial advice for managing a pension benefits account, information regarding at least one of a special loan offering and an investment offering, information regarding a forecast for a pension account, information regarding a financial



Art Unit: 3626

planning strategy needed to reach a goal, and information regarding a company stock purchase made through a company-sponsored plan.

However, Asinof discloses information regarding a forecast for a pension account (i.e. asset allocation models to make decisions)(page 2, paragraph 6).

It would have been obvious to one of ordinary skill in the art at the time of

Applicant's invention to include wherein at least

one of the employee benefits information includes and the message contains information regarding at least one of financial advice for managing a pension benefits account, information regarding at least one of a special loan offering and an investment offering, information regarding a forecast for a pension account, information regarding a financial planning strategy needed to reach a goal, and information regarding a company stock purchase made through a company-sponsored plan as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 190, Warady does not explicitly disclose the apparatus of Claim 150, wherein at least one of the employee benefits information includes and the message contains information regarding at least one of an employer sponsored retirement account and a self-employed retirement program or account.

However, Asinof discloses wherein at least one of the employee benefits information includes and the message contains information regarding at least one of an employer

Art Unit: 3626

sponsored retirement account and a self-employed retirement program or account (i.e. 401(k) account)(see abstract). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein at least one of the employee benefits information includes and the message contains information regarding at least one of an employer sponsored retirement account and a self-employed retirement program or account as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 191, Warady does not explicitly disclose The apparatus of Claim 150, wherein the message contains retirement benefits information, wherein the retirement benefits information includes information regarding at least one of a retirement account, at least one of an investment option and an investment vehicle, at least one of an account value and an account balance, at least one of a vested value and an unvested value, at least one of a list and a date of an employer contribution, at least one of a list and a date of an employee contribution, at least one of a list and a date of a profit sharing contribution, and at least one of how and when account monies can be withdrawn or borrowed.

However, Asinof discloses wherein the message contains retirement benefits information, wherein the retirement benefits information includes information regarding at least one of a retirement account at least one of an investment option and an investment vehicle, at least one of an account value and an account balance, at least one of a vested

Art Unit: 3626

value and an unvested value, at least one of a list and a date of an employer contribution, at least one of a list and a date of an employee contribution, at least one of a list and a date of a profit sharing contribution, and at least one of how and when account monies can be withdrawn or borrowed (i.e. 401(k) account ... shift funds)(page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the retirement benefits information includes information regarding at least one of a retirement account at least one of an investment option and an investment vehicle, at least one of an account value and an account balance, at least one of a vested value and an unvested value, at least one of a list and a date of an employer contribution, at least one of a list and a date of an employee contribution, at least one of a list and a date of a profit sharing contribution, and at least one of how and when account monies can be withdrawn or borrowed as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 192, Warady does not explicitly disclose The apparatus of Claim 150, wherein the apparatus is utilized to at least one of allocate retirement funds among investment vehicles or options and change a contribution to a retirement account.

However, Asinof discloses wherein the apparatus is utilized to at least one of allocate retirement funds among investment vehicles or options and change a contribution to a retirement account (i.e. shift funds)(page 2, paragraph 6). It would have been obvious to

Art Unit: 3626

one of ordinary skill in the art at the time of Applicant's invention to include wherein the apparatus is utilized to at least one of allocate retirement funds among investment vehicles or options and change a contribution to a retirement account as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 194, Warady discloses the apparatus of Claim 150, wherein the message contains at least one of a link and a hyperlink to at least one of the apparatus and a benefits provider computer (i.e. UNUM at (800) 421-0344)(fig. 8).

As to claim 197, Warady discloses The apparatus of Claim 150, wherein the database stores information regarding an individual benefits account, wherein the individual benefits account exists independently of an employment relationship (i.e. Medical opt out)(see Fig. 7a).

As to claim 198, Warady discloses The apparatus of Claim 150, wherein the communication device transmits at least one of an electronic mail transmission, a facsimile transmission, an electronic form submission, and an electronic form transmission, to at least one of the apparatus and a benefits provider computer (i.e. Enrollment form)(Fig. 7a).

As to claim 199, Warady discloses The apparatus of Claim 150, wherein the

Art Unit: 3626

apparatus is utilized to pool employees from different employers to obtain employee benefits for employees of the different employers. (i.e. employee data files corresponds to a specific one of the plurality of benefit files and therefore is associated with one or more employees of a particular employer)(col. 7, lines 10-19).

As to claim 200, Warady discloses The apparatus of Claim 150, wherein the apparatus is utilized by a benefits provider to provide information regarding at least one of a new program, a new benefit, a special program, and a benefit discount offering (i.e. data for benefits can be entered by the benefit provider ... are updated regularly to reflect current premiums and other benefit features and options available ... to ensure the accuracy of the files over time)(col. 9, lines 44-57).

As to claim 201, Warady discloses the apparatus of Claim 150, wherein the apparatus provides information regarding an employee who has at least one of upgraded a benefit and utilized at least one of a benefit offer, an employee discount, and a buying service (i.e. making a new benefit plan and coverage option selections and/or changing his or her existing selections)(col. 10, lines 8-22).

As to claim 202, Warady discloses The apparatus of Claim 150, wherein the employee utilizes at least one of a fund, money, and a credit, provided by the employer to obtain an employee benefit from a benefits provider (i.e. employee's benefit credits)(col. 9, lines 5-10).

As to claim 203, Warady discloses The apparatus of Claim 202, wherein the employee utilizes the at least one of a fund, money, and a credit, provided by an employer to create an individual benefits account which exists independently of an employment relationship (i.e. employee's benefit credits)(col. 9, lines 5-10).

As to claim 204, Warady discloses The apparatus of Claim 150, wherein the apparatus is utilized to facilitate communication between benefits providers (see Fig. 8).

As to claim 205. Warady discloses The apparatus of Claim 204, wherein a communication between benefits providers includes at least one of information shared between at least one of a doctor, a physician, and a healthcare provider, and a referral authorization (see Fig. 8).

As to claim 207, Warady discloses the apparatus of Claim 150, wherein the at least one of a request for employee benefits information, a submission of a claim for an employee benefit, and a request for a status of a claim for an employee benefit, is transmitted to the apparatus from at least one of the communication device and at least one of a personal computer, a desktop computer, a laptop computer, a personal digital assistant, a telephone, a handheld computer, a palmtop computer, a personal communication device, a television, an interactive television, and a kiosk (col. 13, lines 37-46).

As to claim 208, Warady discloses the apparatus of Claim 150, wherein at least one of the apparatus and a benefits provider computer transmits at least one of a benefits request form, a benefits information request form, a claim submission form, and a claim status form, to the communication device (see Fig. 7a).

As to claim 209, Warady discloses the apparatus of Claim 150, wherein the apparatus transmits or provides information regarding at least one of a change to a benefit, a change to a benefits account, an activity regarding a benefits account, an offering of a benefit, a posting of an offer to sell a benefit, an advertisement for a benefit, a posting of benefits information, a posting of at least one of a need, a request, and a requirement, to obtain at least one of a benefit, a benefits packages, and benefits information, and a making of a payment to at least one of a deferred income savings account and a pension account, to the communication device col. 11, lines 8-22).

As to claim 210, Warady discloses the apparatus of Claim 150, wherein the message contains a link to at least one of an attorney, an accountant, a management consultant, a security firm, a recruiter, an employment agency, an insurance provider, a financial institution, a goods provider, and a services provider (see Fig. 8, col. 4, lines 12-20 and col. 6, lines 12-23).

As to claim 211, Warady discloses The apparatus of Claim 150, wherein the message is contained in at least one of an electronic mail transmission, an electronic transmission, a facsimile transmission, a telephone call, a telephone message, a voice message, a pager message, and a beeper message (see Fig. 8).

As to claim 212, Warady does not explicitly disclose the apparatus of Claim 150, wherein the apparatus is utilized with at least one of an electronic power of attorney form, an electronic authorization, an electronic signature, and a digital signature, in order to file at least one of a medical claim form, a dental claim form, a health claim form, an insurance claim form, a financial transaction form, a financial claim form, at least one of a goods order form and a service order form, and a benefit request form.

However, Asinof discloses wherein the apparatus is utilized with at least one of an electronic power of attorney form, an electronic authorization, an electronic signature, and a digital signature, in order to file at least one of a medical claim form, a dental claim form, a health claim form, an insurance claim form, a financial transaction form, a financial claim form, at least one of a goods order form and a service order form, and a benefit request form (i.e. change mix of investments)(see abstract). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the apparatus is utilized with at least one of an electronic power of attorney form, an electronic authorization, an electronic signature, and a digital signature, in order to file at least one of a medical claim form, a dental claim form, a health claim form, an insurance claim form, a financial transaction form, a financial claim form, at least one of a goods order form and a



service order form, and a benefit request form as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 213, Warady discloses The apparatus of Claim 150, wherein the apparatus is programmed for at least one of self-activation, self-operation, automatic activation, and automatic operation (i.e. software and database management systems)(col. 4, lines 21-31).

As to claim 214. Warady discloses the apparatus of Claim 150, wherein the message is transmitted to the communication device in real-time (col. 9, line 59 – col. 10, line 8).

As to claim 215. Warady does not explicitly disclose The apparatus of Claim 150, wherein the processing device generates a second message containing a response to the at least one of a submission of a claim for an employee benefit and a request for a status of a claim for an employee benefit, and further wherein the transmitter transmits the second message to the communication device.

However, Asinof discloses wherein the processing device generates a second message containing a response to the at least one of a submission of a claim for an employee benefit and a request for a status of a claim for an employee benefit, and further

Art Unit: 3626

wherein the transmitter transmits the second message to the communication device (i.e. change mix of your investments)(see abstract). It would have been obvious to one of ordinary skill in the arts at the time of Applicant's invention to include wherein the processing device generates a second message containing a response to the at least one of a submission of a claim for an employee benefit and a request for a status of a claim for an employee benefit, and further wherein the transmitter transmits the second message to the communication device as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 216, Warady discloses the apparatus of Claim 150, wherein the apparatus effectuates a payment pursuant to an employee benefit (col. 12, lines 11-24).

As to claim 217, Warady does not explicitly disclose The apparatus of Claim 150, wherein the processing device processes information regarding the submission of a claim for an employee benefit and provides the employee benefit.

However, Asinof discloses wherein the processing device processes information regarding the submission of a claim for an employee benefit and provides the employee benefit (i.e. change mix of your investments)(see abstract). It would have been obvious to one of ordinary skill in the arts at the time of Applicant's invention to include wherein the processing device processes information regarding the submission of a claim for an

Art Unit: 3626

employee benefit and provides the employee benefit as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claim 218, Warady discloses the apparatus of Claim 150, wherein the apparatus at least one of communicates with and is linked to at least one of an employer computer, a health insurance provider computer, a disability insurance provider computer, a life insurance provider computer, a credit union or banking services provider computer, a pension benefits provider computer, a retirement benefits provider computer, and an employee discount provider computer (col. 13, lines 37-46).

As to claims 220 and 252, Warady discloses an apparatus for providing employee benefits information (see abstract), comprising:

a receiver for receiving at least one of a request for employee benefits information, a submission of a claim for an employee benefit, and a request for a status of a claim for an employee benefit ((i.e. health and welfare benefits enrollment system)(col. 8, lines 27-47 and col. 10, lines 42-48);

a database for storing employee benefits information regarding an individual benefits account associated with an individual, wherein the employee benefits information

Art Unit: 3626

includes at least one of healthcare insurance information, disability insurance information, and life insurance information (i.e. computerized database management system)(col. 4, lines 24-31), and further wherein the individual benefits account enables the individual to maintain a relationship with a provider of at least one of healthcare insurance, disability insurance, life insurance, pension benefits, and retirement benefits, independently of an employment relationship (i.e. opt out because employee already has coverage)(see Fig. 7a);

a processing device, wherein the processing device is capable of processing a request for employee benefits information regarding at least one of healthcare insurance information, disability insurance information, and life insurance information (col. 10, lines 55-63, wherein the processing device at least one of processes the request for employee benefits information utilizing the employee benefits information stored in the database, processes information regarding the submission of a claim for an employee benefit, and processes information regarding the request for a status of a claim for an employee benefit (i.e. confirmation generated to employee)(col. 8, lines 27-47 and col. 10, lines 55-67), wherein the processing device generates a message containing a response to the at least one of a request for employee benefits information, a submission of a claim for an employee benefit, and a request for a status of a claim for an employee benefit (col. 8, lines 27-47 and col. 10, lines 55-67); and

Art Unit: 3626

a transmitter for transmitting the message to a communication device associated with at least one of the individual, a benefits beneficiary, an employer, and a benefits administrator (col. 8, lines 27-47 and col. 10, lines 55-67).

Warady does not explicitly disclose

storing at least one of pension benefits information and retirement benefits information and further wherein the processing device is capable of processing a request for employee benefits information regarding at least one of pension benefits information and retirement benefits information.

However, Asinof discloses storing at least one of pension benefits information and retirement benefits information and further wherein the processing device is capable of processing a request for employee benefits information regarding at least one of pension benefits information and retirement benefits information (i.e. real time information on company savings or 401(k) plans)(page 2, paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include storing at least one of pension benefits information and retirement benefits information and further wherein the processing device is capable of processing a request for employee benefits information regarding at least one of pension benefits information and retirement benefits information as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claims 271 and 285, Warady discloses An apparatus for providing employee benefits information, comprising:

a database for storing employee benefits information, wherein the employee benefits information includes at least one of healthcare insurance information, disability insurance information, and life insurance information (col. 8, lines 27-47 and col. 10, lines 42-48);

a processing device, wherein the processing device detects at least one of a change to a benefit, a change to or activity regarding at least one of a benefits account, an offering of a benefit, a posting of an offer to sell a benefit or a benefits package, a posting of benefits information, and a posting of at least one of a need, a request (i.e. changing his or her selections)(col. 10, lines 8-20), and a requirement, to buy or to obtain at least one of a benefit, a benefits package, and benefits information (i.e. default form)(col. 5, lines 55-65), wherein the processing device generates a message containing information regarding the at least one of a change to a benefit, a change to or activity regarding at least one of a benefits account, an offering of a benefit, a posting of an offer to sell a benefit or a benefits package, a posting of benefits information, and a posting of at least one of a need, a request, and a requirement, to buy or to obtain at least one of a benefit, a benefits package, and benefits information (see Fig. 8); and

a transmitter for transmitting the message to a communication device associated with at least one of an employee and a benefits beneficiary.

Warady does not explicitly disclose

at least one of pension benefits information and retirement benefits information.

However, Asinof discloses storing at least one of pension benefits information and retirement benefits information (i.e. once connected, they can get real-time information on company savings or 401(K) plans ...)(page 2, paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include storing at least one of pension benefits information and retirement benefits information as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

As to claims 286 and 304, Warady discloses an apparatus for providing employee benefits information, comprising:

a processing device, wherein the processing device is capable of processing information regarding at least one of healthcare insurance information, disability insurance information, and life insurance information (col. 10, lines 55-63); and

a transmitter for transmitting the message to a communication device associated with at least one of an employee, a benefits beneficiary, an employer, and a benefits administrator (col. 8, lines 27-47 and col. 10, lines 55-67).

Warady does not explicitly disclose

a receiver for receiving at least one of a submission of a claim for an employee benefit and a request for a status of a claim for an employee benefit, wherein the employee benefit is at least one of a healthcare insurance benefit, a disability insurance benefit, a life insurance benefit, a pension benefit, a retirement benefit, a vacation time benefit, a sick time benefit, a personal time benefit, an educational assistance benefit, a tuition reimbursement benefit, a credit union benefit, an employee discount program benefit, a buying service benefit, and a stock option benefit; and further wherein the processing device is capable of processing information regarding at least one of pension benefits information and retirement benefits information, wherein the processing device processes information regarding the at least one of a submission of a claim for an employee benefit and a request for a status of a claim for an employee benefit, wherein the processing device generates a message containing a response to the at least one of a submission of a claim for an employee benefit and a request for a status of a claim for an employee benefit

However, Asinof discloses a receiver for receiving at least one of a submission of a claim for an employee benefit and a request for a status of a claim for an employee benefit, wherein the employee benefit is at least one of a healthcare insurance benefit, a



Art Unit: 3626

disability insurance benefit, a life insurance benefit, a pension benefit, a retirement benefit, a vacation time benefit, a sick time benefit, a personal time benefit, an educational assistance benefit, a tuition reimbursement benefit, a credit union benefit, an employee discount program benefit, a buying service benefit, and a stock option benefit and further wherein the processing device is capable of processing information regarding at least one of pension benefits information and retirement benefits information, wherein the processing device processes information regarding the at least one of a submission of a claim for an employee benefit and a request for a status of a claim for an employee benefit, wherein the processing device generates a message containing a response to the at least one of a submission of a claim for an employee benefit and a request for a status of a claim for an employee benefit (i.e. you'd like to know what happened to that claim from six weeks ago for your child's visit to the emergency room)(see abstract). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a receiver for receiving at least one of a submission of a claim for an employee benefit and a request for a status of a claim for an employee benefit, wherein the employee benefit is at least one of a healthcare insurance benefit, a disability insurance benefit, a life insurance benefit, a pension benefit, a retirement benefit, a vacation time benefit, a sick time benefit, a personal time benefit, an educational assistance benefit, a tuition reimbursement benefit, a credit union benefit, an employee discount program benefit, a buying service benefit, and a stock option benefit and further wherein the processing device is capable of processing information regarding at least one of pension benefits information and retirement benefits information, wherein the processing device

Art Unit: 3626

processes information regarding the at least one of a submission of a claim for an employee benefit and a request for a status of a claim for an employee benefit, wherein the processing device generates a message containing a response to the at least one of a submission of a claim for an employee benefit and a request for a status of a claim for an employee benefit

as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12

3. Claims 160, 169, 193, 195, 196, 230, and 290 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warady and Asinof as applied to claims 150, 220, and 286 above, and further in view of Baker, III, Pat. No. 5,864,822 (hereinafter Baker).

As to claim 160, Warady and Asinof do not explicitly disclose the apparatus of Claim 150, wherein the message contains information regarding at least one of a provider of an employee discount and a buying service at least one of a goods provider, a services provider, and a discount club, at least one of a good and a service offered under at least one of an employee discount program and a buying service program, instructions for ordering at least one of a good and a service under at least one of an employee discount program

Art Unit: 3626

and a buying service program, instructions for at least one of making a purchase, placing an order, obtaining customer service, and checking an order status under at least one of an employee discount program and a buying service program.

However, Baker discloses the message contains information regarding at least one of a provider of an employee discount and a buying service at least one of a goods provider, a services provider, and a discount club, at least one of a good and a service offered under at least one of an employee discount program and a buying service program, instructions for ordering at least one of a good and a service under at least one of an employee discount program and a buying service program, instructions for at least one of making a purchase, placing an order, obtaining customer service, and checking an order status under at least one of an employee discount program and a buying service program (i.e. output message advising consumer of available benefit)(see Fig. 2 and col. 5, lines 27-55). ). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the

message contains information regarding at least one of a provider of an employee discount and a buying service at least one of a goods provider, a services provider, and a discount club, at least one of a good and a service offered under at least one of an employee discount program and a buying service program, instructions for ordering at least one of a good and a service under at least one of an employee discount program and a buying service program, instructions for at least one of making a purchase, placing an order, obtaining customer service, and checking an order status under at

Art Unit: 3626

least one of an employee discount program and a buying service program as disclosed by Baker within Warady and Asinof for the motivation of allowing employees to more effectively make use of a variety of available discounts from a plurality of goods and service providers (col. 2, lines 19-27).

As to claim 169., Warady and Asinof do not explicitly disclose the apparatus of Claim 150, wherein the apparatus is utilized to at least one of make a purchase and place an order in connection with at least one of an employee discount program and a buying service.

However, Baker discloses wherein the apparatus is utilized to at least one of make a purchase and place an order in connection with at least one of an employee discount program and a buying service (i.e. allowing consumers to make travel plans)(col. 8, lines 60-65). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus is utilized to at least one of make a purchase and place an order in connection with at least one of an employee discount program and a buying service as disclosed by Baker within Warady and Asinof for the motivation of allowing employees to more effectively make use of a variety of available discounts from a plurality of goods and service providers (col. 2, lines 19-27).

As to claim 193. Warady and Asinof do not explicitly disclose The apparatus of Claim 150, wherein the

message contains information regarding at least one of an employee discount, a buying service, and a buying service which participates in an employee benefits program.

However, Baker discloses the message contains information regarding at least one of an employee discount, a buying service, and a buying service which participates in an employee benefits program (i.e. allowing consumers to make travel plans)(col. 8, lines 60-65). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus is utilized to at least one of make a purchase and place an order in connection with at least one of an employee discount program and a buying service as disclosed by Baker within Warady and Asinof for the motivation of allowing employees to more effectively make use of a variety of available discounts from a plurality of goods and service providers (col. 2, lines 19-27).

As to claim 195, Warady and Asinof do not explicitly disclose The apparatus of Claim 150 wherein the message contains a link to at least one of an employee discount provider and a buying service provider.

However, Baker discloses the message contains a link to at least one of an employee discount provider and a buying service provider (see Fig. 1 and col. 6 and col. 7, lines 38-59). It would have been obvious to one of ordinary skill at the time of Applicant's invention to include message contains a link to at least one of an employee discount provider and a buying service provider as disclosed by Baker within Warady and Asinof for the motivation

Art Unit: 3626

of allowing members to more advantageously make use of benefits and discounts offered by third party service and goods providers (col. 2, lines 7-27).

As to claim 196. Warady and Asinof do not explicitly disclose The apparatus of Claim 150, wherein the apparatus is utilized to at least one of place an order with at least one of a goods provider and a services provider, register with at least one of a goods provider and a services provider, subscribe to at least one of a goods provider and a services provider, and check a status of a pending order.

However, Baker discloses the apparatus is utilized to at least one of place an order with at least one of a goods provider and a services provider, register with at least one of a goods provider and a services provider, subscribe to at least one of a goods provider and a services provider, and check a status of a pending order (i.e. allowing consumers to make travel plans)(col. 8, lines 60-65). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus is utilized to at least one of place an order with at least one of a goods provider and a services provider, register with at least one of a goods provider and a services provider, subscribe to at least one of a goods provider and a services provider, and check a status of a pending order as disclosed by Baker within Warady and Asinof for the motivation of allowing employees to more effectively make use of a variety of available discounts from a plurality of goods and service providers (col. 2, lines 19-27).

As to claims 230 and 290, the claims are similar in scope to claims 160, 169, 193, 195, and 196, and are rejected on the same basis.

4. Claim 163 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warady and Asinof as applied to claim 150 above, and further in view of Greengard, Samuel, "When HRMS goes global: Managing the data highway" (hereinafter Greengard).

As to claim 163, Warady and Asinof do not explicitly disclose the apparatus of Claim 150, wherein the communication device is a kiosk.

However, Greengard discloses wherein the communication device is a kiosk (page 7, paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the communication device is a kiosk as disclosed by Greengard within Warady and Asinof for the motivation of providing a flexible human resources environment (page 7, paragraph 6).

2. Claims 172, 173, 206, 237, 245, 281, and 290 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warady and Asinof as applied to claims 150, 220, 271, and 286 above, and further in view of Examiner's use of Official Notice.

As to claims 172 and 173, Warady and Asinof do not explicitly disclose the apparatus of Claim 150, wherein the message contains at least one of tuition

Art Unit: 3626

reimbursement program information, educational assistance program information, child care or day care program information, in-house training course information, and a training course or educational course at least one of schedule information, course description information, and registration information.

However, the Examiner takes official notice that it was well known in the employee benefits or human resources arts to offer information to employees regarding tuition reimbursement policies, in house training classes and training classes. The purpose of such information transmittal was to provide incentives for employees to improve skills either directly or indirectly related to their job performance. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include offer information to employees regarding tuition reimbursement policies, in house training classes and training classes within Warady and Asinof for the motivation stated above.

As to claim 206, Warady and Asinof do not explicitly disclose The apparatus of Claim 150, wherein the apparatus is utilized with at least one of an intelligent agent, a software agent, and a mobile agent, wherein the at least one of an intelligent agent, a software agent, and a mobile agent, is utilized to at least one of obtain information regarding at least one of a benefit, benefit information availability, a status of a benefit, a status of a benefit claim, and a benefits provider, act to at least one of request a benefit or benefits information, request a service, purchase at least one of a good and a service, perform an action for or on behalf of at least one of the employee, the benefits beneficiary,



Art Unit: 3626

the employer, the benefits administrator, and a benefits provider, report at least one of a finding and an action taken, and purchase a benefit.

However, the Examiner takes official notice that it was well known in the electronic commerce arts to use software agents. The purpose of utilizing a software agent was to assist a customer in searching for information of interest to the customer without having the customer perform the search. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the apparatus is utilized with at least one of an intelligent agent, a software agent, and a mobile agent, wherein the at least one of an intelligent agent, a software agent, and a mobile agent, is utilized to at least one of obtain information regarding at least one of a benefit, benefit information availability, a status of a benefit, a status of a benefit claim, and a benefits provider, act to at least one of request a benefit or benefits information, request a service, purchase at least one of a good and a service, perform an action for or on behalf of at least one of the employee, the benefits beneficiary, the employer, the benefits administrator, and a benefits provider, report at least one of a finding and an action taken, and purchase a benefit within Warady and Asinof for the motivation stated above.

As to claims 237, 245, 281, and 290, the claims are similar in scope to claims 160, 172 and 173 and are rejected on the same basis.

Art Unit: 3626

5. Claims 253, 254, 256, 257, 269, and 270 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warady and "information available on the E-Benefits web page"(hereinafter E-Benefits).

As to claims 253, 254, 256, 257, 269 and 270, Warady discloses an apparatus for providing employee benefits information (see abstract), comprising:

a database for storing information regarding at least one of a benefit, a benefits package, and a benefits pricing, provided by a benefits provider (i.e. prices charged to the employee electing benefits ... data for benefit files can be entered by benefit provider)(col. 4, lines 53-67 and col. 9, lines 52-58);

a processing device for processing the information regarding the at least one of a benefit, a benefits package, and a benefits pricing, with the information regarding the at least one of a benefits requirement and a need for benefits (see Fig. 1), and further wherein the processing device generates a message containing information regarding the benefits provider, wherein the message contains information regarding the at least one of a benefit, a benefits package, and a benefits pricing, provided by the benefits provider (see Fig. 8 and col. 8, lines 48-67 and col. 9, line 67 – col. 10, line 3);  
and

at least one of an output device for outputting the message, a display device for displaying the message, and a transmitter for transmitting the message to a communication device associated with the at least one of an employer, an employee, and an individual (col. 9, line 59-col. 10, line 8).

Warady does not explicitly disclose

storing information regarding at least one of a benefits requirement and a need for benefits associated with at least one of an employer, an employee, and an individual, and

wherein the processing device identifies a benefits provider for providing at least one of a benefit, benefits, and benefits information, for the at least one of a benefits requirement and a need for benefits.

However, E-Benefits discloses storing information regarding at least one of a benefits requirement and a need for benefits associated with at least one of an employer, an employee, and an individual, and wherein the processing device identifies a benefits provider for providing at least one of a benefit, benefits, and benefits information, for the at least one of a benefits requirement and a need for benefits (i.e. will whiz you through hundreds of health, dental, vision employee benefit options to find the plans that best meet the needs of your company)(E-Benefits home page). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include storing information regarding at least one of a benefits requirement and a need for benefits associated with at least one of an employer, an employee, and an individual, and wherein the processing device identifies a benefits provider for providing

Art Unit: 3626

at least one of a benefit, benefits, and benefits information, for the at least one of a benefits requirement and a need for benefits as disclosed by Asinof within Warady for the motivation of allowing users to get benefits information at any time (i.e. employees will get information on their own timetable)(page 2, paragraphs 3 and 4) and reduce the cost of administering benefit programs to employers (page 2, paragraph 12).

6. Claims 255, 258-262 and 264-268 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warady and E-Benefits as applied to claim 253 above, and further in view of Asinof.

As to claims 255, 258-262 and 264-268, the claims are similar in scope to claims 151-159, 161-162, 164-168, 170-171, 174-192, 194, 197-205, and 207-218 and are rejected on the same basis.

7. Claims 263 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warady, E-Benefits, and Asinof as applied to claim 253 above, and further in view of the Examiner's use of Official Notice.

As to claim 263, the claim is similar in scope to claim 206 and is rejected on the same basis.

Art Unit: 3626

8. Claim 153 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warady and Asinof as applied to claim 150 above, and further in view of Williams, Pat. No. 5,600,554.

As to claim 153, Warady and Asinof do not explicitly disclose the apparatus of Claim 150, wherein the database contains information regarding at least one of vacation time, personal time, and sick time, and further wherein the message contains information regarding at least one of vacation time, personal time, and sick time.

However, Williams discloses wherein the database contains information regarding at least one of vacation time, personal time, and sick time, and further wherein the message contains information regarding at least one of vacation time, personal time, and sick time (col. 9, lines 33-40). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the database contains information regarding at least one of vacation time, personal time, and sick time, and further wherein the message contains information regarding at least one of vacation time, personal time, and sick time as disclosed by Williams within the Warady and Asinof combination for the motivation of providing a single integrated system that provides information to employees and provides accounting and human resources activities (col. 2, lines 35-42).

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3626

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.

Application/Control Number: 09/391,335

Art Unit: 3626

Page 54

A handwritten signature in black ink, appearing to read "Alexander Kalinowski". The signature is fluid and cursive, with the first name "Alexander" and last name "Kalinowski" clearly distinguishable.

Alexander Kalinowski

Patent Examiner

Art Unit 3626

9/14/03